IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4291 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JESING MAGAN SON OF MAGAN GAMLA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4291 of 2002
M/S.VYAS ASSOCIATES for Petitioner No. 1-6
GOVERNMENT PLEADER for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE D.A.MEHTA

Date of decision: 19/02/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. Heard.

2. It is stated by Mr. D.D.Vyas, learned senior counsel with Mr.Dhaval D.Vyas that after the order dated 9.10.2001 in Special Civil Application No.6424 of 2001, the petitioner has made the representation to the Secretary, Revenue Department, State of Gujarat on 3.11.2001. It is further stated that the said representation of the petitioner has yet not been decided by the respondent State one way or the other.

In the present petition, relief-B in the alternative relates to the representation (Annexure-L) by the petitioner to the respondent.

3. In our opinion, respondent State is required to be directed to decide the representation (Annexure-L) of the petitioner in accordance with law within 6 weeks from today or from the date of the production of the certified copy of this order to the respondent - State Government. Directions issued accordingly.

4. It is stated by Mr.Vyas that in view of the above, relief-A in this petition is not pressed and the petition be disposed of with liberty to the petitioner to pray for suitable relief including relief-A in the petition that may be required to be filed depending upon the out come of the representation.

5. Leave and liberty as above reserved to the petitioner. Petition is partly allowed to the extent pointed out above. Rule is partly made absolute to the said extent. Petition disposed of accordingly. Direct service is permitted.

(N.G.Nandi,J.) (D.A.Mehta,J.)

(vipul)